

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SERGIO TORRES,

Plaintiff,

v.

TAQUERIA EL TACO NACO, et al.,

Defendants.

Case No. 2:24-cv-01989-DAD-CSK (PS)

ORDER DENYING DEFENDANT
GARCIA'S MOTION FOR AN EXTENSION
OF TIME AND ORDERING DEFENDANT
TAQUERIA EL TACO NACO TO
RESPOND TO THE COMPLAINT

(ECF No. 7)

Defendant Jorge Garcia proceeds in this action in pro per.¹ Pending before the Court is Defendant Garcia's motion for an extension of time to obtain legal counsel. (ECF No. 7.) Defendant Garcia seeks additional time to retain legal counsel to represent himself and what appears to be Defendant Taqueria El Taco Naco. *Id.* Plaintiff Sergio Torres filed an opposition indicating, in part, he "does not oppose an extension of time for Defendants to file a responsive pleading" but requests that the Court issue case deadlines to avoid "an indefinite pause" in the action. ECF No. 9 at 2. Because there are currently no case deadlines set in this action, Defendant Garcia's motion for an extension of time is denied as premature. Case deadlines will be set after the filing of Defendant Taqueria El Taco Naco's response to the Complaint.

¹ This action has been assigned to Magistrate Judge Chi Soo Kim pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and Local Rule 302(c)(21). (ECF No. 8.)

1 In addition, Defendant Taqueria El Taco Naco, a business entity, may not be
2 represented by a pro se defendant. A corporation or other entity must be represented by
3 licensed counsel. See, e.g., *Rowland v. California Men's Colony*, 506 U.S. 194, 201-202
4 (1993) (noting that 28 U.S.C. § 1654 does not allow corporations, partnerships, or
5 associations to appear in federal court other than through a licensed attorney). Further,
6 Local Rule 183(a) provides that “[a]ny individual who is representing himself...without an
7 attorney must appear personally or by courtesy appearance by an attorney admitted to
8 the Bar of this Court and may not delegate that duty to any other individual...or any other
9 party on the same side appearing without an attorney.” See also *C.E. Pope Equity Trust*
10 *v. United States*, 818 F.2d 696, 697 (9th Cir. 1987) (a non-attorney may appear in pro
11 per on his own behalf, but he has no authority to appear as an attorney for others).
12 Accordingly, Defendant Garcia is warned that he may not file pleadings or other
13 documents on behalf of Defendant Taqueria El Taco Naco as a pro per defendant.
14 Defendant Taqueria El Taco Naco may not appear in this action without counsel.

15 On September 4, 2024, Defendant Garcia filed an Answer to the Complaint. (ECF
16 No. 6.)² Although the docket reflects that an Answer was filed on behalf of all
17 Defendants, review of the Answer indicates it was filed on behalf of Defendant Garcia
18 only. See *id.* Defendant Taqueria El Taco Naco is ordered to file a response to the
19 Complaint within 30 days of service of this order.

20 ORDER

21 In conclusion, the Court ORDERS:

- 22 1. Defendant Garcia’s motion for an extension of time (ECF No. 7) is DENIED as
23 premature;
- 24 2. The Clerk is directed to update the docket to reflect that the Answer (ECF No. 6)
25 filed on September 4, 2024 is filed on behalf of Defendant Jorge Garcia only; and

26 ///

27 ² The Court will direct the Clerk of the Court to correct and update the docket to reflect
28 this discrepancy.

3. Defendant Taqueria El Taco Naco is ordered to file a response to the Complaint within 30 days of the service of this order.

Dated: October 23, 2024



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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